



UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/027,439 02/20/98 PORTUGAL F 044198.0000

AKIN GUMP STRAUSS HAUER & FELD  
816 CONGRESS AVENUE  
SUITE 1900  
AUSTIN TX 78701

0232/0320

NOT ASSIGNED

1643

DATE MAILED:

03/20/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  small entity (statement filed)  non-small entity is \$ 2,248.00.

1. The statutory basic filing fee is:

missing.  
 insufficient.

Applicant must submit \$ 790.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. Additional claim fees of \$ 1328.70, including any multiple dependent claim fees, are required.

\$ 574.00 for 7 independent claims over 3.

\$ 484.00 for 22 dependent claims over 20.

\$ 270.00 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unexecuted.  
 does not cover the newly submitted items.  
 does not identify the application to which it applies.  
 does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

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00000000

00000000

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the named inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

*M. J. [Signature]*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

06/02/1998 MGRDN  
01 FC:201  
02 FC:202  
03 FC:203  
04 FC:204  
05 FC:205

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SECTOR  
*[Signature]*

2901

In re Application of:  
Frank H. Portugal, et al.

Serial No.: 09/027,439

Filed: February 20, 1998

For: Compositions and Methods For  
Differentiating Among *Shigella*  
Species and *Shigella* from *E. coli*  
Species

Examiner: Not Yet Assigned

Group Art Unit: 1643

Atty. Docket No.: 044198.0000

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: <b>Box Missing Parts</b> , Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:	
<u>May 20, 1998</u> Date	<i>Gloria L. Norberg</i> Gloria L. Norberg

Assistant Commissioner for Patents  
**Attn: Box Missing Parts**  
Washington, D.C. 20231

*RECORDED*  
JUN 4 1998  
*U.S. Patent & Trademark Office*

**RESPONSE TO 37 C.F.R. § 1.53(F) NOTICE**

Sir:

In response to the Notice to File Missing Parts of Application mailed March 20, 1998, there are enclosed herewith:

1. Declaration executed by Franklin H. Portugal, Rita R. Colwell, Anwarul Huq, and Afzal Chowdhury;
2. Election Under 37 C.F.R. §§ 3.71 and 3.73(b) and Power of Attorney executed on behalf of the University of Maryland, with attached copy of assignment;
3. Power of Attorney executed on behalf of Frank H. Portugal;
4. Declaration Claiming Small Entity Status - 37 C.F.R. §§ 1.9(f) and 1.27(d) - Nonprofit Organization executed on behalf of the University of Maryland;
5. Declaration Claiming Small Entity Status - 37 C.F.R. §§ 1.9(f) and 1.27(b) - Independent Inventor executed on behalf of Frank H. Portugal;
6. Check in the amount of \$1,124.00 to cover the basic filing fee, the surcharge for late filing, and additional claims fees. The filing fee has been calculated as shown below:

<b>For</b>	<b>No. Filed</b>		<b>No. Extra</b>	<b>Rate</b>	<b>Small Entity Fee</b>
Basic Fee					\$395.00
Total Claims	42	- 20 =	22	x \$11	242.00
Independent Claims	10	- 3 =	7	x \$41	287.00
Multiple dependent claim fee					270.00
Surcharge - late filing fee					65.00
<b>TOTAL</b>					<b>\$1,124.00</b>

7. Copy of the Notice to File Missing Parts of Application-Filing Date Granted.

An assignments to the University of Maryland System is being filed under separate cover, along with the recordation fee of \$40.00.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Akin, Gump, Strauss, Hauer & Feld, L.L.P. Deposit Account No. 01-0660/044198.0000.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,

Gloria L. Norberg  
Reg. No. 36,706

Agent for Applicants

Date: May 20, 1998

Akin, Gump, Strauss, Hauer & Feld, L.L.P.  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
(512) 499-6200